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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,153

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Hisayuki Watanabe

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EXAMINER

TAKELE, MESEKER

ART UNIT

PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/800,153

Applicant(s)

WATANABE, HISAYUKI

Examiner

Meseker Takele

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/12/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/12/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kortum (US Pub No.2003/0079028).

As to claim 1, Kortum disclose, a terminal comprising: a menu screen (example, menu, see page 3, left column [0045] line, 5 and example, screen, figure 1) obtaining unit for obtaining a menu screen including link information (example, link, see figure 4) a connection status checking unit for checking the connection status of a linked server specified by each piece of the link information included within the menu screen (example, status indicator 104, Internet connection identifier 102, see page 3 left column [0045], lines, 3-4 and figure 1) and a menu screen display processing unit for displaying the connection status of the linked server checked by the connection status checking unit on the menu screen (example, Internet connection to display, see page 3, right column[0047], lines, 9-14 and figure 5).

As to claim 2, Kortum disclose, wherein a process of checking the connection status by the connection status checking unit is performed in parallel with a display process by the menu screen display processing unit (see figure 1).

As to claim 3, Kortum disclose, wherein a discrimination mark differs depending upon a level of the connection status and is associated with the corresponding piece of the link (example, status indicator, different color lights, see page 4, left column [0051], lines, 1-23).

As to claim 4, Kortum disclose, wherein a color according to a level of the connection status is applied to the corresponding piece of the link information or a portion related thereto (example, connection health indicator is color, see page 4, right column [0068], lines 1-5).

As to claim 5, Kortum disclose, wherein the menu screen display processing unit does not display a piece of the link information corresponding to an inaccessible server (example, disconnected or unavailable, see page 3, right column, [0047] lines, 5 and figure 1).

As to claim 18, Kortum disclose, method for displaying a menu screen, comprising: displaying a menu screen including link information; checking the connection status of a linked server specified by each piece of the link information included within the menu screen; and reflecting on the menu screen the checked connection status (example, link, connection, status, menu screen, figure 4).

As to claim 19, Kortum disclose, method according to claim 18, wherein Any inquiry concerning this communication or earlier communications from the examiner should be directed to checking the connection status of the linked

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server is performed when the connection status of the linked server changes (see page 4, left column, 0056] line, 1-22 and figure 3).

As to claim 20, Kortum disclose, wherein information transmitted from the linked server includes music data (see page 3, right column, [0050] line, 11 and figure 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub No.2003/0079028) in view of Nakano et al. (US Patent No: 6,430,499).

As to claim 6, Kortum disclose, the connection status checking unit checks the connection status of the linked server (example, status indicator 104, Internet

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connection identifier 102, see page 3 left column [0045], lines, 3-4 and figure 1).

However Kortum does not disclose, wherein the terminal is mounted upon a vehicle and the connection status checking unit checks the connection status of the linked server while the vehicle is stopped. Nakano from the same field of endeavor disclose, wherein the terminal is mounted upon a vehicle (example, vehicle mounted terminal, column 2, lines 4-5) and the connection status checking unit checks the connection status of the linked server while the vehicle is stopped (example, position detector, see column 11, lines, 33; fixed-type terminals, not only to movable terminals, types of road, see column 1, line, 51, and column, 16, line, 42-49). It would have been obvious to one of ordinary skilled in the art to modify Kortum with the features of terminal is mounted upon a vehicle and the connection status checking unit checks the connection status of the linked server while the vehicle is stopped as presented by Nakano. The motivation to combine these two references involves getting various information on a real time basis from movable or fixed type terminals.

6. Claims 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub No.2003/0079028) in view of Nakano et al. (US Patent No: 6,430,499).

As to claim 7, Kortum disclose, a menu screen obtaining unit for obtaining a menu screen including link information (example, link, see figure 4) a connection status checking unit for checking the connection status of a linked server (example, status indicator, see page 3, left column, [0046] lines, 7-8 and figure 1) specified by each piece of the link information, included within the menu

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screen when the connection status changes (see figure 3 and 4) and a menu screen display processing unit for displaying the connection status of the linked server checked by the connection status checking unit on the menu screen (example, menu, see page 3, left column [0045] line, 5 and example, screen, figure 1).

However Kortum does not disclose, wherein the terminal is mounted upon a vehicle. Nakano from the same field of endeavor disclose, wherein the terminal is mounted upon a vehicle (example, vehicle mounted terminal, column 2, lines 4-5). It would have been obvious to one of ordinary skilled in the art to modify Kortum with the features of terminal is mounted upon a vehicle as presented by Nakano. The motivation to combine these two references involves getting various information on a real time basis from movable or fixed type terminals.

As to claim 8, Nakano disclose, vehicle mounted terminal according to claim 7, wherein the connection status of the linked server changes when the speed of the vehicle changes and crosses a predetermined value (example, speed sensor, see column 17, line, 65).

As to claim 9, Nakano disclose, vehicle mounted terminal according to claim 7, further comprising a communication processing unit for receiving information transmitted from the linked server through radio waves, wherein the connection status of the linked server changes when the electric field strength of received radio waves in the communication processing unit changes and crosses

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a predetermined reference value (example, digital broadcast technologies, radio waves, see column, 2 lines 11-12 and column, 11 line 41).

As to claim 10, Kortum disclose, further comprising a communication medium determining unit for determining the change of the communication medium, wherein the connection status of the linked server changes when the communication medium determined by the communication medium determining unit changes (page 3, right column [0047], lines 1-150.

As to claim 11, Nakano disclose vehicle mounted terminal according to claim 7, further comprising a geographic condition determining unit for determining geographic conditions of a driving location of the vehicle upon which the terminal is mounted, wherein the connection status of the linked server changes when the geographic conditions determined by the geographic condition determining unit change (example global positioning system, see column 17, line 63).

As to claim 12, Nakano disclose, further comprising a road determining unit for determining the type of road on which the vehicle is running, wherein the connection status of the linked server changes when the type of road determined by the road determining unit changes (example, roads by type, see column 29, lines 50-60).

As to claim 13, Nakano disclose, further comprising a communication status determining unit for determining communication status and a communication status history storing unit for storing the history of the determined communication status, wherein the connection status of the linked server

changes when the past communication status corresponding to the driving location of the vehicle is determined to be unfavorable based upon the communication status history stored within the communication status history storing unit (example, storage medium, see column 1, lines 16-28 and figure 1).

As to claim 14, Kortum disclose, wherein the menu screen has a displayed area larger than a display, and the connection status checking unit checks the connection status of each piece of the link information included within the entire menu screen which can be selectively displayed in the display by scrolling or page change (example, 208(scroll bar), see figure 8).

As to claim 15, Kortum disclose, further comprising a function of a computer which can be connected to the Internet, wherein the menu screen obtaining unit receives the menu screen through the Internet (example, internet connection, see page 2, left column [0032] line, 5).

As to claim 16, Kortum disclose, wherein information transmitted from the linked server includes music data (example, music, see abstract and figure 8).

As to claim 17, Nakano disclose, vehicle mounted terminal according to claim 7, further comprising a function of a receiver for receiving information distributed from a broadcast station, wherein the menu screen obtaining unit retrieves the menu screen stored within a storage device incorporated in the receiver (example, broadcast technologies, see column, 2 lines 10-17).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The US Patent number 6,549,944 by Weinberg et al. is cited to teach automated test engine for GUI applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meseke Takele whose telephone number is (571) 270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wo can be reached on (571) 272-2100. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT


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SUPERVISORY PATENT EXAMINER